



**RCNI Submission to the Joint Oireachtas Committee on
Justice on**

**General Scheme of the Garda Siochana (Recording
Devices) (Amendment) Bill 2023**

17 January 2024

Introduction – Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

The RCNI welcomes the opportunity to make submissions on the General Scheme of the Garda Síochána (Recording Devices) (Amendment) Bill 2023. We have addressed our concerns and comments in order of the Heads laid out in the Scheme and thereafter a more general discussion on the Schedule of Offences.

Head 2: Interpretation

The term ‘biometric data’ is in the Data Protection Act 2018 and specifically refers, amongst other things, to dactyloscopic data which is fingerprints and palm prints. The wording of the definition in the General Scheme creates a new definition which only includes facial images. This difference creates an inconsistency between the definitions which is problematic. The General Scheme relates only to facial images and should therefore provide clarity on this.

Recommendation:

“‘biometric data’ has the same meaning attached to it in Section 69 of the Data Protection Act 2018.’

Insertion under Head 3: Biometric identification is limited to facial images.

Head 8: Section 43F

The RCNI has concerns over the processing of data obtained and the potential impact the use of this data could have on the privacy of victims of sexual violence. This is especially concerning where such data would subsequently be used as evidence. We submit that further protections be included to ensure that in any risk assessment on the collection and processing of the data, the needs and vulnerabilities of victims are specifically considered and addressed.

Recommendation:

The inclusion of specific provisions to protect any personal or identifying data collected and processed which may have a negative or traumatic impact on victims or infringe on their right to privacy.

Schedule of Offences and Notable Offences not included in the Schedule (Appendix II)

Our understanding of the purpose of the introduction of this Legislation, is to provide for the more efficient identification of suspects or criminals. The means and tools available to members of An Garda Síochána should be standard and available to them irrespective of the type of offence they are investigating. Generally, the perpetrators of sexual violence are identified without too much difficulty. There are cases, however, where this technology could be used to identify perpetrators and certainly to assist in the collection of evidence against perpetrators. It is our submission that there should be no limitation of the offences applicable, and the Schedule should include all sexual offences. To exclude even one runs the risk of leaving victims without the necessary assurances and protection that all available evidence can and will be collected. Questions of necessity and proportionality are not appropriate for this stage of the collection of data and have more bearing on how the data is used from that point on.

Recommendation:

The provisions of this Schedule should be applied to all sexual offences without reservation or exclusion.

We thank you for the opportunity to make a submission. Please contact us should you require further or clarifying information.

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